

# MINUTES

## CRIMINAL & JUVENILE JUSTICE INFORMATION ADVISORY GROUP MEETING MINUTES

---

February 17, 2017

9:00 AM -11:00 AM

Room W277, MN Bureau of Criminal Apprehension

### Attendees

<b>Advisory Group Members:</b>	<b>Organization</b>
Arrowsmith DeCoux, Jay	League of MN Cities
Beyer-Kropuenske, Laurie	Department of Administration
Conklin, Shana	League of MN Cities
Duncan, Rick	Minnesota Sheriff's Association
Fawcett, Terry	Minnesota Assn. of Counties
Galili, Oded	Bureau of Criminal Apprehension
Gerlicher, Cari	MN Chiefs of Police Association
Holmgren, Steve	Board of Public Defense
Johnson, Brian	Minnesota House of Representatives
Kerschner, Deb	Department of Corrections
Khan, Safia	Minnesota Coalition for Battered Women
Lang, Paula	Minnesota Assn for Court Management
MacMillan, Tim	Isanti County Probation
Miller, David	Attorney General
Ostrem, Mark	Olmsted County Attorney
Ramlo, Jon	Minnesota Assn. of Counties
Reitz, Nate	MN Sentencing Guidelines Commission
Smith, Rick	Washington County Probation
Washburn, Steve	League of MN Cities
<b>DPS/BCA:</b>	<b>Organization</b>
Gotz, Dana	BCA

Oliveira, Jill	BCA
Schiller, Karen	BCA

### **Welcome and Introductory Items**

Chair Deb Kerschner called the meeting to order. Roundtable introductions were made. A motion was made and seconded to approve the agenda. A vote was taken. **The motion carried.** Before a motion was made to approve the meeting minutes, Steve Holmgren, requested a correction. He stated that as a member, he is representing the Board of Public Defense, not the First Judicial District as recorded in the December 2, 2016, minutes. The correction was noted and will be made. A motion was made and seconded to approve the corrected December 2, 2016, Advisory Group meeting minutes. A vote was taken. **The motion carried.**

### **Discussion on Scope of Advisory Group**

Deb began the discussion by directing the members to look at the new statutory language of the Advisory Group (PowerPoint):

*“The new Advisory Group shall serve as the state advisory group on statewide criminal justice information policy and funding issues. The Advisory Group shall study and make recommendations to the governor, the Supreme Court, and the legislature on criminal justice information funding and policy issues such as related data practices, individual privacy rights, and data on race and ethnicity; information-sharing at the local, state and federal levels; technology education and innovation; the impact of proposed legislation on the criminal justice system related to information systems and business processes; and data and identification standards.”*

She stated that at their last meeting the history behind how the Criminal and Juvenile Justice Information Policy Group (Policy Group) and the Criminal and Juvenile Justice Information Task Force (Task Force), became one Criminal and Juvenile Justice Information Advisory Group (Advisory Group), was communicated. She believes that the Advisory Group is still in the forming stages of their role to figure out how to become the go-to group for making recommendations to the governor, the Supreme Court, and the legislature. She continued that they also need to figure out how to be recognized as the subject matter experts, and/or bring in subject matter experts to investigate issues in order to make policy and funding recommendations. She informed the members that they would begin by reviewing the status of the three subcommittees that were carried over from the Task Force.

#### **□ Collaborative Relationships & Funding – Shana Conklin**

Shana reported that the Collaborative Relationships and Funding subcommittee was initially working on three funding proposals; currently one of the proposals is going through its agency and two proposals remain. She stated that at the last (Advisory Group) meeting (in December) the members discussed various ways to obtain funding. She stated that one of the two remaining proposals being considered for funding are improvements to Minnesota Government Access (MGA). She informed members that MGA is a system used by everyone in the court system because it contains all of the court documents. She explained that there was a recent upgrade to a new MGA system which created some system bugs, and the proposal was for funding to fix those issues. Dana reported that the proposal to replace the Predatory Offender (POR) system at the Bureau of Criminal Apprehension (BCA), was part of the Department of Public Safety's (DPS) recommendation to the governor's office. The governor did accept their proposal and it was approved for 4.1 million dollars. She stated the other two proposals that Shana mentioned earlier, were a collaboration between the Board of Public Defense and the Minnesota County Attorneys Association (MCAA) to improve MGA; and the other was the Minnesota Counties Computer Cooperative (MCCC) Corrections User Group at the Department of Corrections (DOC), to manage the offender's release when going back into the community. She continued that when their subcommittee met in January, they discussed how to move these two initiatives forward. She explained that the Task Force had made the recommendation to approve these initiatives to the Policy Group; but the Policy Group did not meet in June, before the group was dissolved. Dana stated that it has been difficult for their subcommittee to figure out how these initiatives should move forward from a group like this. She stated that they discussed having them go through the agency that would be granted/appropriated the money or consider a different venue working through our (Advisory Group) legislative representatives. She continued that they have Representative Johnson in the House and the Senate hasn't appointed anyone yet, but they have contacted her and are planning to appoint someone very soon. She stated that they (Advisory Group) also

need to begin planning for the next budget cycle; determine a timeline to vet proposals from this group; and have their subcommittee review them. She stated that after their subcommittee's review, they would present the proposal(s) to the Advisory Group for their review and determine what the next steps are. She stated that this is a long-term vision for them to consider what the process would be in the future. She reported that regarding the two initiatives mentioned earlier, they wrote some language and Representative Johnson, graciously agreed to author a bill for them and it is still being drafted. She stated that (if passed) this bill will fund \$200,000 for the MCCC Corrections User Group at DOC project; and 1.5 million for the MCAA and the Board of Public Defense, MGA improvement initiative. She continued that even if they don't get the funding passed, it is important to get these issues to the legislature so there is an awareness. Dana added if there is a hearing, they will need to figure out who the representatives will be. Deb asked if their subcommittee will continue. Dana responded yes, they will continue to meet in order to figure out a process.

#### □ Data & Identification Standards – Oded Galili

Oded stated he wasn't able to go through the full presentation at their last meeting due to time. He reported that the Data and Identification Standards subcommittee proposed three recommendations to the Task Force, before their subcommittee dissolved last year.

#### Recommendations to the Task Force:

- Vetting process with advocacy groups and the public – a few options
  - Presentations on the pros and cons of photos as first-line of criminal process identification
  - Publish the recommendations for public comments on a website
- Collecting feedback and creating final recommendations
- Singular or highly integrated Criminal Justice System

Dana added that although this subcommittee determined they didn't have the bandwidth to continue; they proposed that the Task Force, continue the work they started by forming a new group. Deb asked how authoritative the implementation of identification standards would be and if a statute is needed. Oded responded by going through the different levels of encounters with the members. He added that they had a lot of discussion about what is needed for identification at different levels of encounters and resolved that a team of four practitioners is not sufficient to address this issue.

#### Identification Process Consideration:

- Depends when we identify ("level" of encounter)
  - Name/DOB (Level One – no arrest)
  - Name/DOB, Photo (Level Two – citation/misdemeanor/may generate court appearance)
  - Name/DOB/ Photo, Fingerprint; DNA (Level Three – arrest/felony/incarceration/beyond the above)

#### Ideas the team discussed

- Minimum requirements to identify a person
  - More than just a name/DOB
  - Fingerprints/retinal scans/DNA/Rapid DNA/Facial recognition
- DNA in the future for identification vs. just resolving a crime

The members discussed surveying the public about using photos for identification; how photos would be stored; shared; and whether they should be considered private or public. They also discussed the problems that arise when only using the name and date of birth for identification; due to the population of cultures and family members with similar names and dates of birth and in cases of identity theft. Oded responded that these are all valid issues for discussion. Deb recounted that the subcommittee made recommendations; and have done as much as they can; but this issue needs to go to another level of work. Oded agreed and added that they need a much larger group. The members further discussed the privacy issues with photos, fingerprints, DNA, and body cameras. They also discussed public awareness, accountability for misuse, and the next steps. The members determined there was a lot of interest to continue this subcommittee in order to create a work plan to bring back to the Advisory Group. Two of the members volunteered to join

the group. Deb asked the members to let Oded know if they had anyone from the groups they represent, who were interested in joining this subcommittee.

#### ☐ Data Practices – Laurie Beyer-Kropeunske

Laurie reported that after the Data Practices presentation at the meeting in December, they were supposed to receive the results from Management Analysis and Development (MAD) of the University of Minnesota surveys that were conducted statewide. In January, they learned that of the 800 interviews, MAD had only received 500 and will not have the results ready until the end of March. She stated that they were hoping to have the results in January and ready in time to share the results of the survey work with the legislature. At this point, the timing may not make that possible, but they are hoping to buy more questions next year to build on their work and have it ready for the legislature next fall. She stated that she has heard from one person who will be joining their subcommittee and believes they are retaining their current members.

#### ☐ Are there other items the Advisory Group should be considering?

Deb asked the members if there were any other items, topics or issues that they should be considering as a group. Steve Holmgren responded that data storage has become a topic of issue and currently there are separate silos of data storage throughout the state. He wondered if it didn't make more sense to create a universal silo of all the data statewide with controlled access; and added that the public is paying for all this storage. Brian Johnson responded that this issue has been legislatively discussed and it was determined for security purposes, data storage be kept at the local level. He added that at the local level they can better manage the security of data if it is hacked. The members further discussed the complexities around governing, maintaining security, retaining, and dispersing the data stored in one central location. Steve concluded that maybe this isn't the time to pursue a solution and will continue to look further into the data storage issue.

### **Advisory Group By-Laws Discussion**

Deb reported that she, Dana, and the chairs drafted a simplified version of by-laws for the members to review today. After their review of the draft, the members discussed the language they identified as needing more clarification.

- Members are designated – what does that mean? Can members designate someone to come in their place or is that a proxy. Traditionally, a designee is appointed (permanent) while a proxy is assigned as a step-in (temporary). Should clarification be added to the by-laws? Yes.
- Modify the proxy to include language that the designee was unable to attend either in person or remotely.
- Include language to contact members who do not attend two consecutive meetings; and assess the need to go back to their association to appoint a new designee.
- Incorporate a rotating chair process into the language.
- Chairs will work on designating a spokesperson for the Advisory Group. It was suggested that when communicating with the legislators, it is best to have the subject matter expert of a particular group (i.e.; data practices) talk to them.

Deb stated that she and the chairs will work with Dana to implement the changes noted here today in the by-laws with plans to finalize at the next meeting. The members then discussed the meeting schedule and determined that meetings will be held quarterly, on the second Friday of the month, beginning May 12<sup>th</sup>, from 9:00 a.m. to 11:00 a.m. at the BCA. The members all agreed that the meetings will be held in February, May, August, and November, on the second Friday of the month. The members also agreed that when a meeting falls on a holiday (as it does this November), it will be moved to the first Friday of the month.

### **Wrap-up from Previous Task Force Delivery Teams**

#### ☐ Electronic Exchange Delivery Team – Kathy Hoyle

On Kathy's behalf, Steve Holmgren reported that the Board of Public Defense has been working on the Enterprise Content Management (ECM) system to enable prosecutors across the state to upload and/or

email discovery documents to them electronically. The ECM system will be available statewide and will be very beneficial to smaller agencies that cannot afford their own system. The ECM system has been built; and they are in the trouble shooting stage (developers are working on the final fixes); with plans to roll out in the next couple months. The First Judicial District will be the first pilot agency and prosecutors in this district will be able to upload/email documents to the system. The system has been designed to accept documents, photos, and audio/video (virtually anything digital). In the initial roll out they are going to limit uploads to only documents and photos, so they can determine the volume and any potential upload/email issues. He concluded his report by stating that eventually they plan to open it up to all types of digital discovery.

Safia Khan asked how the exchange process currently works. Steve responded that in his district (First Judicial District), city attorneys are currently sending photocopies. He continued that they do not currently have the ability to accept large bodycams, squad videos, or recorded statements, via email due to the size and they are burned to Blu-ray disc which is very time consuming.

Dana stated that the Electronic Exchange Delivery Team was formed in order to get input from the stakeholders and to gain an understanding of the impact on their disciplines in the criminal justice system. She reported that Kathy has made a recommendation to dissolve this delivery team as it no longer needs to continue and be part of the Advisory Group. A question was posed about who funded this project, and Steve responded that it was the Board of Public Defense. He stated that he did not know how much the overall project cost.

#### □ Civil Commitment Data Delivery Team – Rick Smith and Dana Gotz

Rick reported that in late 2015, Hennepin County approached the Task Force with the idea of incorporating civil commitment information into a system that was more readily available for law enforcement officers on the street. He stated that this idea was proposed to elevate the safety of officers on the street by providing civil commitment information about the individual they were encountering with alternatives to incarceration. He reported that the delivery team met several times with a broad range of subject matter experts to vet a process and come up with a recommendation. His understanding is that they made a recommendation to the Task Force to pass the (public) civil commitment information from the Minnesota Court Information System (MNCIS) through the Law Enforcement Message Switch (LEMS) which was approved. He stated that the BCA and Court Administration have received a technology grant which allows them to study the feasibility of this project. Dana stated that the feasibility study will begin sometime this summer using the technology grant they were awarded and is dependent on the resources both agencies have available. Deb asked when they expect to know what it will take to complete the project. Dana responded that they are working on a work plan and the grant ends December of 2018.

### **Update on Integration Biennial Report**

Dana informed the members that the 2015-2016 Integration Biennial Report was a compilation of work that was done before this group was officially formed (on August 1, 2016). The Policy Group's former chair, Commissioner Dohman, reviewed and approved the 2015-2016 Integration Biennial Report, on behalf of the Policy Group, and it was submitted to the legislature in early January. She provided the members with a copy to make them aware of the report, with the understanding that the 2017-2018 report will be the responsibility of the Advisory Group in 2019. She asked the members if there were any questions. To comply with the statute, a motion was made and seconded to adopt the 2015-2016 Integration Biennial Report, as the Advisory Group report for 2017. A vote was taken. **The motion carried.**

Deb asked if there were any other questions or topics for discussion. She stated that they will distribute the updated by-laws draft to the members and the next meeting will be on May 12<sup>th</sup>. As there was no further discussion, she requested a motion to adjourn. A motion was made and seconded to adjourn. A vote was taken. **The motion carried.**

#### **Next Meeting:**

Friday, May 12, 2017  
9:00 a.m. – 11:00 a.m.  
Minnesota BCA, Room 277

**The meeting adjourned.**